

REMARKS

Reconsideration and allowance of the above-identified application are respectfully requested. Claims 1-4 are now pending, wherein claims 1 and 2 are amended, and claims 5 and 6 are new. It is respectfully submitted that the amendments to claims 1 and 2 are formal in nature and are not limiting amendments.

Applicants note with appreciations the indication in paragraph 5 that claim 1 is allowed.

The specification is objected to for minor informalities. The specification has been amended to address these formal matters.

Claims 2 and 3 are rejected under 35 U.S.C. § 103(a) as being obvious in view of the combination of U.S. Patent No. 6,77,5843 to McDermott ("McDermott") and U.S. Patent Application Publication No. 2001/0052124 to Kim et al. ("Kim"). Claim 4 is rejected under 35 U.S.C. § 103(a) as being obvious in view of the combination of McDermott, Kim and U.S. Patent No. 6,249,320 to Schneidewend et al. ("Schneidewend"). These grounds of rejection are respectfully traversed.

The combination of McDermott and Kim does not render claim 2 obvious because the combination does not disclose or suggest all of the elements of claim

2. For example, the combination does not disclose or suggest that “the control unit...tries channel selection based on the channel information stored in the memory and...when failed in the channel selection of the desired channel, selects such a predetermined sub-channel in the same main channel as the desired channel or selects a predetermined sub-channel in the same physical channel as the desired channel.”

The Office Action acknowledges that McDermott does not disclose or suggest the aforementioned element of Applicants’ claim 2. Instead, the Office Action relies upon element 414 in Figure 4 of Kim for such a disclosure. Kim discloses a system for displaying channel information. When a major channel number is pressed (“Yes” path out of decision step 400), the RF channel corresponding to the major channel number is selected and a program of the lowest minor channel number is displayed (steps 402 and 404). The major channel number and minor channel numbers are also displayed (step 406), which is illustrated in Figures 5A-5C. While the displays illustrated in Figures 5A-5C are output and the channel up key is pressed, it is determined whether the minor channel number of the viewing program is the highest number (step 414). If it is the highest number then the program of the lowest minor channel number is displayed (step 418), or else the program of the higher minor channel number is displayed (step 416). Therefore, steps 414-418 of Figure 4 disclose selection of known channel numbers.

Nothing in Figure 4 or the accompanying description discloses or suggests a failed channel selection of a desired channel. In other words, since Kim discloses that the available channels are displayed as illustrated in Figures 5A-5C, pushing the channel up button when viewing the highest minor channel number cannot be interpreted as a failed channel selection, but instead as a request to move the cursor from the top of the channel list to the bottom of the channel list. Accordingly, the section of Kim cited by the Office Action does not disclose or suggest that that “the control unit...tries channel selection based on the channel information stored in the memory and...when failed in the channel selection of the desired channel, selects such a predetermined sub-channel in the same main channel as the desired channel or selects a predetermined sub-channel in the same physical channel as the desired channel” as recited in Applicants’ claim 2.

Because the combination of McDermott and Kim does not disclose or suggest all of the elements of Applicants’ claim 2, the combination cannot render this claim obvious.

Applicants’ dependent claim 3 recites additional elements that are not disclosed or suggested by the combination of McDermott and Kim, such as “the control unit, when failed to select the desired channel, obtains the latest VCT to thereby select such a channel in the VCT that has the smallest sub-channel number in the same main channel as the desired channel or to select such a

channel that has the smallest sub-channel number in the same physical channel as the desired channel.”

The Office Action relies upon paragraphs 25, 35 and 41 of Kim as disclosing this feature of Applicants’ claim 3. While paragraph 25 discloses supplementary data including major and minor channel numbers, this paragraph does not disclose or suggest that this information is obtained when the control unit fails in selection of the desired channel. Paragraphs 35 and 41 do not discuss obtaining the latest VCT or what occurs when a channel selection fails. Therefore, the sections of Kim relied upon by the Office Action do not disclose or suggest all of the elements of Applicants’ claim 3, and McDermott does not remedy the deficiencies of Kim.

Claim 4 depends from claim 2. It is respectfully submitted that Schneidewend does not remedy the deficiencies of the combination of McDermott and Kim with respect to Applicants’ claim 2, and accordingly, the combination of McDermott, Kim and Schneidewend does not render Applicants’ claim 4 obvious.

For at least those reasons stated above, it is respectfully requested that the rejections of claims 2-4 be withdrawn.

New claims 5 and 6 recite similar elements to those discussed above with regard to claims 2-4, and accordingly, are allowable for similar reasons. For

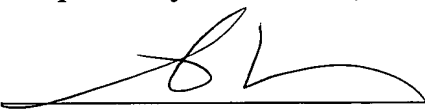
example, new claim 5 recites "selecting a predetermined sub-channel in a same channel as a desired channel or a predetermined sub-channel in a same physical channel as the desired channel when the channel corresponding to the channel changing instruction is not stored in the memory."

If there are any questions regarding this amendment or the application in general, a telephone call to the undersigned would be appreciated since this should expedite the prosecution of the application for all concerned.

If necessary to effect a timely response, this paper should be considered as a petition for an Extension of Time sufficient to effect a timely response, and please charge any deficiency in fees or credit any overpayments to Deposit Account No. 05-1323 (Docket #010482.50891).

Respectfully submitted,

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